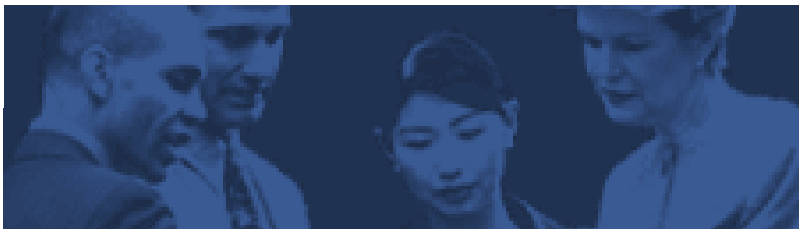
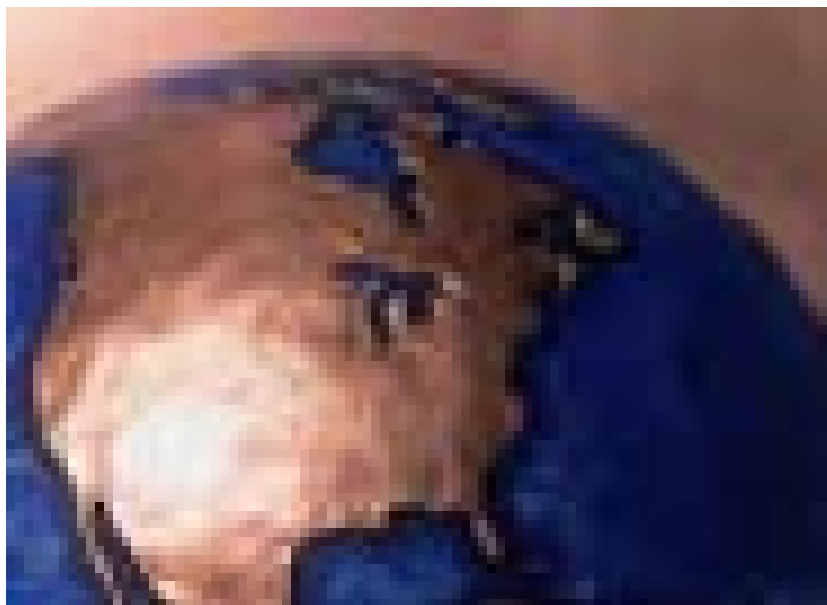


EXHIBIT 1
TO GRIFFIN DECLARATION

KELLER·ROHRBACK
LAW OFFICES



COMPLEX LITIGATION GROUP



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www.KRClassAction.com



LEADERS IN CLASS ACTION LITIGATION

The firm's complex litigation practice began in 1988 with the Specialty Steel Pipe case. Keller Rohrback represented four large Wisconsin electric utility companies suing on behalf of other owners of industrial plants containing stainless steel and special alloy pipe and fittings. Fabricators and suppliers, including Allied Signal and Johnson Controls, who sold such Specialty Steel Pipe on a cost-plus basis allegedly engaged in a price-fixing conspiracy. This antitrust case was certified as a class action in *Transamerica Refining Corp. v. Dravo Corp.*, 130 F.R.D. 70 (S.D. Tex. 1990). The Class achieved settlements of \$49.5 million.

The ability of the firm has received judicial recognition both locally and nationally.

For example, Chief Judge Coughenour of the Western District of Washington found that the adequate representation requirement of Rule 23 had been satisfied appointing Keller Rohrback as class counsel, *Mortimore v. F.D.I.C.*, 197 F.R.D. 432, 438 (W.D. Wash. 2000). Federal courts throughout the country have similarly found Keller Rohrback qualified to serve as class counsel. *In re Potash Antitrust Litigation*, 159 F.R.D. 682, 692 (D. Minn. 1995); *In re Carbon Dioxide Antitrust Litigation*, 149 F.R.D. 229, 223 (M.D. Fla. 1993).

"The Court finds that [Keller Rohrback] is experienced and qualified counsel who is generally able to conduct the litigation as lead counsel on behalf of the putative class. Keller Rohrback has significant experience in ERISA litigation, serving as co-lead counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Providian ERISA litigation, and experience in complex class action litigation in other areas of

Founded in 1919, today Keller Rohrback has 53 attorneys and 88 staff members who provide expert legal services to clients nationwide. We use cutting-edge technology and case management techniques in the preparation and trial of complex cases. Our excellent support staff includes in-house programming personnel and experienced paralegals who contribute significantly to our ability to effectively and efficiently litigate complex class action cases nationwide. The firm's Complex Litigation Group regularly calls on firm attorneys in other practice areas for expertise in bankruptcy, contracts, employment law, executive compensation, corporate transactions, financial institutions, insurance coverage, mergers and acquisitions, professional malpractice, and securities transactions. The firm's in-house access to these resources distinguishes Keller Rohrback from other plaintiffs' class action firms and also contributes to the firm's success.





law.” *In re Williams Cos. ERISA Litigation*, No. 02-153, 2002 U.S. Dist. LEXIS 27691, *8 (N.D. Okla. Oct. 28, 2002) (Holmes, J.).

“Despite substantial obstacles to recovery, Keller Rohrbach was willing to undertake the significant risks presented by this case. After a year and a half of intensive litigation, including extensive discovery, motion practice, and mediation, Class Counsel achieved real and substantial benefits for members of the Class. Keller Rohrbach’s extensive prior experience in complex class action securities litigation and with Ponzi investment schemes enabled the Class to analyze and achieve this excellent result.” *Getty v. Harmon* (“SunAmerica Securities.Litigation”), No. 98-0178 (W.D. Wash. Sept. 20, 1999) (Dwyer, J.).

“The Keller Rohrbach firm is experienced in class action litigation and management.” *Hansen v. Ticket Track, Inc.*, 213 F.R.D. 412, 416 (W.D. Wash. 2003) (Pechman, J.).

“[Keller Rohrbach] has performed an important public service in this action and has done so efficiently and with integrity . . . [Keller Rohrbach] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions . . . [Keller Rohrbach] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions.” *In re WorldCom, Inc. ERISA Litigation*, No. 02-4816 2004 WL 2338151, *10 (S.D.N.Y. Oct. 18, 2004) (Cote, J.).

“The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does again.” *In re Linerboard Antitrust Litigation*, MDL 1261, 2004 WL 1221350 *6 (E.D. Pa. June 2, 2004) (DuBois, J.).

“The evidence also demonstrates that Keller Rohrbach . . . possess[es] the experience and competence to provide adequate representation to Bjstrom and members of the proposed class and subclass.” *Bjstrom v. Trust One Mortgage Corp.*, 199 F.R.D. 346, 349 (W.D. Wash. 2001).

In approving a settlement, Judge Alan McDonald stated, “[T]he Court is impressed by the manner in which the issues have been addressed, the action has been initiated and resolved; and that is, of course, an accolade to the attorneys on both sides of the issue. And, of course, that is the underlying basis for the Court’s approval. No one has more respect for the art of settlement than the incumbent of this bench. It is the most difficult of all undertakings by trial lawyers, and a settlement always recognizes their composite judgment, oftentimes of nuances which are impossible to articulate. So given the caliber of the attorneys involved on both sides of this matter, the Court is satisfied that if it is good enough for them, it should be good enough for the Court.” *In re Soft Drink Bottling Antitrust Litigation* (E.D. Wash. 1990).



An Assistant U.S. Attorney in Seattle has also recognized the firm's ability. "Fortunately, the Receiver persuaded the Seattle law firm Keller Rohrback to review the merit of several potential cases. Keller Rohrback then immediately set to work and pursued several cases. Thus far, the lawyers have recovered approximately \$8.69 million in damages on behalf of the victims. These recoveries far outstripped anything the United States Attorney has accomplished or could have accomplished in this case, and together they represent the best hope that the victims may recover a significant portion of their losses." *United States v. Philip E. Harmon*, (W.D. Wash. 1999).

Antitrust

Keller Rohrback's antitrust and trade regulation practice represents individual and class plaintiffs in state and federal litigation. Our clients include consumer and business class members who have been harmed by illegal, anti-competitive conduct. Keller Rohrback has substantial expertise in pursuing claims under the Sherman and Clayton Acts for price fixing, customer allocation, market division, exclusive dealing, price discrimination, the tying or bundling of products, misleading and deceptive marketing practices, monopolization and attempted monopolization of markets, and other related practices. By litigating claims on behalf of businesses and consumers harmed by such practices, Keller Rohrback helps achieve the goal of the nation's antitrust and trade regulation statutes, ensuring that consumers get the benefits of free and fair competition in the marketplace.

Keller Rohrback has played a prominent role in large price-fixing and price discrimination cases litigated across the country. The following are examples of our antitrust experience:

Architectural Hinge, This class action lawsuit brought in Missouri federal court involved a nationwide price-fixing conspiracy among manufacturers of architectural hinges during the period 1986 through 1988. Almost \$7.4 million in settlements were achieved in this case.

In re Carbon Dioxide Industries, et al. v. Liquid Air Corp. et al., No. 92-00940 (M.D. Fla.). This class action lawsuit resulted in over \$53 million in settlements. Litigated in Florida federal court, this case involved a nationwide price-fixing conspiracy among the major sellers of carbon dioxide, including Archer Daniels Midland, from January 1, 1968 to October 26, 1992.

In re Carpet Antitrust Litigation, No. 95-00193 (N.D. Ga.). This case was filed in the Northern District of Georgia and resulted in a \$50 million settlement. United States District Judge Harold L. Murphy stated that the attorneys' "efforts in this case to date have demonstrated their great skill and ability" and that "the Court's own observations



of Plaintiffs' counsel support a determination that Plaintiffs' counsel are highly reputable and responsible attorneys."

In re Catfish Antitrust, et al. v. Magnolia Processing, et al., MDL No. 928 (N.D. Miss.). This nationwide class action lawsuit brought in Mississippi federal court achieved almost \$28 million in settlements. The class claimed a price-fixing conspiracy among processors of catfish products, including subsidiaries of Hormel and ConAgra, during the period 1985 through 1988.

Cattin, et al. v. Builders Fence Co., No. 91-00954 (W.D. Wash.). Keller Rohrbach served as Lead Counsel in this class action case that was brought in Washington federal court involving a price-fixing conspiracy among pipe and tube distributors in eight Western states during the period 1984 through 1986. Settlements totaling \$650,000 were achieved.

In re Chain Link Fence Antitrust Litigation, No. 89-1997 (D. Col.). Keller Rohrbach served on the Executive Committee in this class action price-fixing lawsuit brought against chain link fence manufacturers in sixteen Midwest and Western states. The class achieved over \$1.3 million in settlements.

In re Commercial Tissue Products Antitrust Litigation, MDL No. 97-01189 (N.D. Fla.). This antitrust case filed in the Northern District of Florida involved allegations of a nationwide price-fixing conspiracy among the major manufacturers of facial tissue, toilet paper, paper towels, and related products used in "away from home" settings, such as office buildings, hotels, restaurants, and schools. The parties entered into a settlement agreement valued at \$56.2 million in cash and coupons.

Cox., et al v. Microsoft Corp., et al., MDL No. 00-01332 (D. Md.). Keller Rohrbach served on the Executive Committee of Plaintiffs' Counsel in this class action challenging Microsoft's monopolistic practices. A class of direct purchasers of operating system software achieved a settlement of \$10.5 million in the United States District Court for the District of Maryland.

In re Explosives Antitrust, et al. v. Austin Powder, et al., No. 96-01093 (D. Utah). This class action lawsuit was brought in Utah federal court alleging a nationwide conspiracy to fix prices and allocate markets among six commercial explosive manufacturers, including DuPont, from 1985 through 1993. Years of litigation yielded settlements totaling slightly more than \$77 million.

Ferko, et al. v. NASCAR, No. 02-00050 (E.D. Tex.). Keller Rohrbach was counsel for plaintiff in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and of conspiring with International Speedway Corporation ("ISC") to



restrain trade in violation of the antitrust laws. Keller Rohrback represented the shareholders of Speedway Motorsports, Inc. ("SMI"), a publicly traded company that owns six motorsports facilities, including Texas Motor Speedway ("TMS"). In May 2004, the parties reached a settlement agreement, pursuant to which, among other things, ISC sold North Carolina Speedway to SMI for \$100.4 million and NASCAR sanctioned the Nextel Cup Series race previously hosted by Rockingham at TMS in the 2005 season. The settlement was approved by the United States District Court for the Eastern District of Texas.

General Formulations, et al. v. United States Bronze, et al., No. 93-04673 (D. N.J.). This class action suit was brought in New Jersey federal court and alleged a nationwide price-fixing conspiracy among major producers of bronze and copper flake from 1986 through 1989. The class achieved \$2 million in settlements.

In re Infant Formula Antitrust Litigation, MDL No. 878 (N.D. Fla.). This class action lawsuit involved a nationwide price-fixing conspiracy among three manufacturers of infant formula who dominated the market during the period January 1, 1980 to January 13, 1992. The class achieved settlements totaling \$125.76 million.

In re Linerboard Antitrust Litigation, MDL No. 1261 (E.D. Pa.). The class actions in this litigation recently were resolved with the recovery of more than \$202 million for the benefit of a class of businesses that purchased corrugated boxes and sheets. The combined settlements are the largest ever obtained in a price-fixing class action in the Eastern District of Pennsylvania and among the largest obtained in such a case nationally.

Molecular Diagnostics v. Hoffman-La Roche, Inc., et al., No. 04-01649 (D.D.C.). Keller Rohrback served on the Executive Committee of this class action lawsuit, which was on behalf of purchasers of thermus aquaticus DNA polymerase ("*Taq*"), an essential input to technologies used to study DNA. The lawsuit alleged that various Hoffman La-Roche entities, in concert with the Perkins Elmer Corp., fraudulently procured a patent for *Taq* with the intent and effect of illegally monopolizing the *Taq* market. In December of 2008 Judge Henry Kennedy granted court approval of a settlement that provided \$33 million to direct purchasers of *Taq*.

In re Monosodium Glutamate Antitrust Litigation, MDL No. 00-01328 (D. Minn.). Keller Rohrback represented the plaintiff class in this case in the United States District Court for the District of Minnesota. Over \$123 million was recovered for the benefit of a class of businesses which purchased food flavor enhancers from suppliers in the U.S., Japan, Korea, and Taiwan. Businesses that participated in the recovery received nearly 200% of the amounts they were overcharged.



In re NASDAQ Market Makers Antitrust Litigation, MDL No. 1023 (S.D.N.Y.). This nationwide class action brought in New York federal court alleged a price-fixing conspiracy among market makers that comprise the NASDAQ stock exchange. The class achieved a settlement of over \$1 billion.

In re New Steel Pails Litigation, et al. v. Bennett Industries, et al., No. 92-00213 (S.D. Ohio). This case involved a price-fixing conspiracy among manufacturers of steel pails throughout the United States during the period 1989 through 1992. Keller Rohrback served on the Executive Committee in this case brought in Ohio federal court. The class achieved settlements totaling \$4 million.

Red Eagle Resources, et al. v. Bakes Hughes, Inc., et al., No. 91-00627 (S.D. Tex.). Purchasers of drill bits (primarily those used in oil exploration) brought a class action lawsuit in Texas federal court claiming that manufacturers fixed prices during the period 1986 through 1991. The class achieved settlements totaling \$52 million.

Rozema v. The Marshfield Clinic, No. 96-00592 (W.D. Wis.). Keller Rohrback served as Lead Counsel in this consumer class action alleging illegal market divisions between medical clinics, hospitals and Health Maintenance Organizations (HMO's) in North Central Wisconsin. The class recovered \$4.65 million in settlements.

Salk Drug Co. v. Abbott Laboratories, No. 27-95-009632 (Minn. Dist. Ct. 4th Cir.). Keller Rohrback was Lead Counsel in a class action antitrust lawsuit brought in Minnesota state court on behalf of independent pharmacies based on price discrimination in the sale of brand-name prescription drugs. The case resulted in settlements totaling over \$1 million.

In re Soft Drink Bottling, et al. v. Pepsi Co. Walla Walla, et al., No. 90-03032 (E.D. Wash.). Keller Rohrback served as Lead Counsel in this class action lawsuit bought on behalf of purchasers against soft drink bottling companies in Eastern Washington claiming a price-fixing conspiracy during the period 1976 through 1989. Almost \$2 million in settlements were achieved in this case.

In re Steel Drums Antitrust Litigation, MDL No. 887 (S.D. Ohio). Keller Rohrback served on the Executive Committee in this class action case brought in Ohio federal court. Purchasers of new steel drums throughout the United States claimed a price-fixing conspiracy among manufacturers during the period 1987 through 1990. The class achieved \$7.36 million in settlements.

In re Toys "R" Us Antitrust Litigation, No. 97-05750 (E.D.N.Y.). This class action was brought in New York federal court where the FTC found that Toys "R" Us had unlawfully used its dominant market power to orchestrate and enforce agreements



between itself and toy manufacturers to restrict sales to "wholesale" clubs. The settlement achieved by plaintiff class and 44 state attorneys general provides for injunctive relief and the payment of almost \$57 million in toys and cash.

In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.). Keller Rohrbach played an extensive role in trial preparation in this case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan of the United States District Court for the District of Columbia certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten-year global price-fixing and market allocation conspiracy. Through settlement and verdict, recoveries were achieved, including four major settlements between certain vitamin defendants and class plaintiffs, including a landmark partial settlement of \$1.1 billion.

K-S Pharmacies, Inc., et al. v. Abbott Laboratories, et al. No. 94-02384 (Wis. Cir. Ct. 7th Brach). Keller Rohrbach was Lead Counsel in a class action lawsuit brought in Wisconsin state court on behalf of over 500 independent pharmacies based on price discrimination in the sale of brand-name prescription drugs. The case resulted in settlements of over \$5 million.

Wolf v. US Air, Inc., et al., No. 90-01664 (N.D. Ga.). Keller Rohrbach served on the Steering Committee of this class action antitrust lawsuit brought in Georgia federal court against the seven major United States airlines, which alleged a conspiracy to artificially increase the price of domestic airline tickets. The class achieved settlements totaling \$458 million -- \$408 million in certificates and \$50 million in cash. This is one of the larger class action settlements ever reached in the United States.

ERISA

Our ERISA Litigation Group helped pioneer this field of law in the *IKON*, *Lucent*, and *Enron* ERISA cases, the first large-scale ERISA 401(k) breach of fiduciary duty cases of their kind. Since then, Keller Rohrbach has played a major role in developing the law and establishing that ERISA's strict fiduciary duties apply to companies' investment of employees' retirement savings in the stock of the employers. Our efforts have resulted in numerous published decisions upholding plaintiffs' ERISA claims, granting class certification, and approving several multi-million dollar settlements. In all, to date, Keller Rohrbach has recovered over \$900 million for employees on behalf of their retirement savings plans.

Federal courts throughout the country have recognized Keller Rohrbach's qualifications to vigorously pursue ERISA class action claims. Thus, Keller Rohrbach served or serves as Lead or Co-Lead Counsel in almost every major ERISA breach of fiduciary duty case involving 401(k) and ESOP plans, including cases against the following

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companies: *Enron, WorldCom, AIG, Bear Stearns, BellSouth, CIGNA, CMS Energy, Countrywide, Delphi, Dynegy, Ford Motor Company, Global Crossing, Goodyear, HealthSouth, IndyMac, Household International, Krispy Kreme, Lucent, Marsh & McLennan, Merrill Lynch, Mirant, Pfizer, Polaroid, Provident, Regions, Southern Company, State Street, Syncor, Wachovia, Washington Mutual, Williams Companies, and Xerox.*

ERISA 401(k) and ESOP Cases

From the first ever reported 401(k) company stock breach of fiduciary duty case, *Whetman v. IKON Office Solutions, Inc.*, Keller Rohrbach attorneys have successfully guided clients through the exceptionally complex ERISA field. Indeed, since *Whetman v. IKON Office Solutions, Inc.*, Keller Rohrbach has continued to act as a trailblazer by serving as Lead or Co-Lead Counsel in numerous ERISA breach of fiduciary duty cases – including the landmark cases listed below – in which the claims now routinely alleged in other complaints have been validated: (1) failure to prudently and loyally manage the plan and plan assets; (2) failure to provide complete and accurate information regarding company stock to plan participants; and (3) failure to prudently monitor plan fiduciaries. Courts have again and again praised Keller Rohrbach's leadership and successful results in this highly complex and rapidly developing area of law.

First Of Its Kind ERISA 401(k) And ESOP Cases:

In re Enron Corp. ERISA Litigation, MDL No. 1446 (S.D. Tex.). Keller Rohrbach served as Co-Lead Counsel in this class action filed in the Southern District of Texas. On September 30, 2003, Judge Melinda Harmon denied defendants' numerous motions to dismiss in a landmark decision that addressed in detail defendants' obligations as ERISA fiduciaries, and upheld plaintiffs' core ERISA claims. Plaintiffs have achieved four partial settlements totaling more than \$264 million in cash to the Enron plans against Enron directors, officers and plan fiduciaries.

In re Lucent Technologies, Inc. ERISA Litigation, No. 01-03491 (D. N.J.). Keller Rohrbach was appointed Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans that invested in Lucent stock. The complaint alleged that the defendants withheld and concealed material information from participants, thereby encouraging participants and beneficiaries to continue to make and to maintain substantial investments in company stock and the plans. The settlement provided for, among other relief, the payment of \$69 million in cash and stock to the plan. Judge Joel Pisano of the New Jersey federal court approved the settlement on December 12, 2003.



Whetman v. IKON Office Solutions, Inc., MDL No. 10-01318 (E.D. Pa.). The current wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for the plan, that the fiduciaries of the plan failed to provide complete and accurate information concerning company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements.

In re WorldCom, Inc. ERISA Litigation, No. 02-04816 (S.D.N.Y.). Keller Rohrbach served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan. On June 17, 2003, Judge Denise Cote denied in part defendants' motions to dismiss and on October 4, 2004, granted plaintiffs' motion for class certification. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved on October 26, 2004 and November 21, 2005.

Groundbreaking ERISA 401(k) and ESOP Settlements:

Keller Rohrbach's qualifications to lead ERISA 401(k) and ESOP class actions is nowhere more evident than in the highly favorable settlements it has achieved for the benefit of employees in several of its nationally prominent cases. In addition to the Enron, WorldCom, IKON, and Lucent settlements discussed above, these settlements include:

Alvidres v. Countrywide Financial Corp., No.07-05810 (C.D. Cal.). On November 16, 2009, Judge John F. Walter granted final approved of the \$55 million settlement.

Cokenour v. Household International, No. 02-07921 (N.D. Ill.). On March 31, 2004, Judge Samuel Der-Yeghiayan denied, in part, defendants' motions to dismiss. The case subsequently settled for \$46.5 million in cash to the plan. The court approved the settlement on November 22, 2004.

In re Dynegy, Inc. ERISA Litigation, No. 02-03076 (S.D. Tex.). On March 5, 2004, the Court denied, in part, defendants' motions to dismiss. Subsequently, the parties reached a settlement that provided for the payment of \$30.75 million in cash to the plan. On December 10, 2004, Judge Sim Lake approved the settlement.



In re Global Crossing, Ltd. ERISA Litigation, No. 02-07453 (S.D.N.Y.). *The Global Crossing ERISA Litigation* settlement provided for, among other relief, the payment of \$79 million to the plan. Judge Gerard Lynch approved the settlement on November 10, 2004.

In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation, No. 07-10268 (S.D.N.Y.). On August 21, 2009, Judge Jed S. Rakoff granted final approval of the \$75 million settlement in the ERISA action.

In re Providian Financial Corp. ERISA Litigation, No. 01-05027 (N.D. Cal.). The *Providian ERISA Litigation* settlement provided for structural changes to the plan, as well as the payment of \$8.6 million in cash to the plan. The court approved the settlement on June 30, 2003.

In re Sears Retiree Group Life Insurance Litigation, No. 97-07453 (N.D. Ill.). Keller Rohrback represented retired employees of Sears who were the victims of unlawful life insurance benefit reductions, in violation of ERISA. This nationwide class action suit, in the United States District Court for the Northern District of Illinois, resulted in a settlement valued at more than \$232 million.

Securities Fraud

Keller Rohrback enjoys a national reputation for excellence in prosecuting securities fraud claims on behalf of injured shareholders. These cases typically assert claims against at least one corporate defendant, its officers and directors, its underwriters, and/or its auditors. The firm relies upon the business and financial background of a number of our attorneys, led by managing partner Lynn Lincoln Sarko (who has an M.B.A. in Accounting and Finance). This expertise, along with the use of knowledgeable experts and state-of-the-art technology, contributes to Keller Rohrback's successful securities fraud litigation practice.

Keller Rohrback has played a prominent role in large securities fraud cases litigated across the country. The following are examples of our securities fraud experience:

In re 2TheMart.com, Inc. Securities Litigation, No. 99-01127 (C.D. Cal.). Keller Rohrback served as Co-Lead Counsel in this securities fraud class action filed in the Central District of California, Southern Division. The class achieved settlements totaling \$2.7 million.

In re Anicom, Inc. Securities Litigation, No. 00-04391 (N.D. Illinois). Keller Rohrback was one of three counsel representing the State of Wisconsin Investment Board in this



securities fraud class action. Counsel achieved settlements on behalf of the class and other parties in excess of \$39 million, including a payment of \$12.4 million directly from one of the named defendants, described as “one of the largest payments obtained in connection with allegations of securities and accounting fraud in recent times.” In all, over 80% of the total recovery was obtained from sources other than Anicom’s insurance policy.

In re Foundry Networks, Inc. Derivative Litigation, No. 06-05598 (N.D. Cal.). Keller Rohrbach was appointed Co-Lead Counsel in this federal derivative shareholder action against nominal Defendant Foundry Networks, Inc., and current and former officers and members of Foundry’s Board of Directors. Plaintiffs alleged, among other things, breach of fiduciary duty, unjust enrichment, and gross mismanagement arising from the practice of backdating stock options granted between 2000 and 2003, diverting millions of dollars of corporate assets to Foundry executives. On February 20, 2009, the court entered an order approving settlement.

Getty, et al. v. Harmon, et al., No. 98-00178 (W.D. Wash.). Keller Rohrbach served as Lead Counsel in this securities fraud action filed in Western Washington federal court involving a “Ponzi” scheme. Plaintiffs allege that at least one key person responsible for this scheme was affiliated with SunAmerica Securities, which knew or should have known that securities laws were being violated. The class achieved settlements totaling \$7 million.

Getty, et al. v. Hawthorne, et al., No. 99-2-17897-1 (King County Super. Ct.). This class action was successfully prosecuted in King County Superior Court against Phillip Harmon’s accountant and against his partner in various business ventures alleging violations of the Washington State Securities Act and civil conspiracy. An opinion by the State Court of Appeals concerning some of these claims is found at 111 Wn.App. 824 (2002). Over \$2.4 million in settlements were achieved from this litigation.

Graf v. Cyber-Care, Inc., et al., No. 00-08404 (S.D. Fla.). This shareholder class action was brought in the Southern District of Florida on behalf of shareholders who purchased Cyber-Care Inc. common stock between November 4, 1999 and May 12, 2000, inclusive. The parties reached a settlement consisting of \$3.1 million in cash, plus interest, and 4 million shares of Cyber-Care Inc. common stock.

In re IKON Office Solutions, Inc. Securities Litigation, MDL No. 10-01318 (E.D. Pa.). Keller Rohrbach served as Co-Lead Counsel representing the City of Philadelphia and eight other Lead Plaintiffs in this certified class action alleging securities fraud. Class Counsel achieved the highest securities fraud settlement in the history of the Court by settling with defendant IKON Office Solutions, Inc. for \$111 million. At that time, the settlement was listed as one of the “largest settlements in



class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995” by *USA Today*.

Lasky v. Brown, et al., No. 99-01035 (M.D. Fla.). Keller Rohrback served as Co-Lead Counsel in this class action lawsuit filed in the Middle District of Louisiana, on behalf of individual shareholders who purchased or otherwise acquired equity securities in United Companies Financial Corporation between April 30, 1998 and February 2, 1999, inclusive. The class recovered \$20.5 million in settlements.

Laumer, et al. v. Immunex Corp., et al., No. 92-00548 (W.D. Wash.). Keller Rohrback served as Liaison Counsel in this class action securities fraud lawsuit filed in Western Washington federal court. The class recovered \$14 million in settlements.

Lawrence, et al. v. Phillip Morris Co., et al., No. 94-01494 (E.D.N.Y.). This shareholder class action was brought in New York federal court alleging misrepresentations regarding various inventory and trade loading practices used to distort the timing of sales. This case was settled as part of a \$115 million settlement.

Ludwig, et al. v. Calozza, et al., No. 94-01566 (W.D. Wash.). Keller Rohrback was appointed Lead Counsel in this class action securities fraud case brought in Western Washington federal court. Defrauded investors obtained settlements totaling \$4.32 million. Keller Rohrback also obtained a \$225,000 settlement in a related case.

McGrew, et ano. v. Harris Bank FKA, et al., No 03-2-40411-0 (King County Super. Ct.). Keller Rohrback filed a class action complaint against defendants Harris Bank, N.A.; U.S. Bank, N.A.; Craig and Associates, Inc.; and Gary L. Craig. The litigation concerned alleged violations of the Washington State Securities Act, breach of contract, breach of fiduciary duty, and civil conspiracy. Over \$23 million in settlements were achieved in this case.

Peregrine, et al. v. Farley, et al., No. 90-00858 (N.D. Ill.). Shareholders of West Point-Pepperell common stock filed a class action lawsuit in the Northern District of Illinois after a successful hostile take-over of that company by Farley, Inc. The case included claims of securities fraud and other securities law violations. Investors achieved over \$8 million in settlements.

In re Scientific-Atlanta, Inc. Securities Litigation, No. 01-01950 (N.D. Ga.). Keller Rohrback serves as Co-Lead Counsel in this case, in which plaintiffs allege that defendants engaged in a course of fraudulent conduct by misrepresenting and omitting material information pertaining to Scientific-Atlanta’s financial results and by engaging in extensive channel stuffing in order to enable the company to meet its stated earnings expectations.



In re Westell Technologies Securities Litigation, No. 00-06735 (N.D. Ill.). This shareholder class action was brought in the Northern District of Illinois on behalf of shareholders who purchased Westell Technologies, Inc. common stock between June 27, 2000 and October 18, 2000, inclusive. In the spring of 2003, the parties reached a settlement of \$3.35 million.

In re WorldPort Comm., Inc., et al., No. 99-01817 (N.D. Ga.). This shareholder class action was brought in Georgia federal court alleging securities fraud. Parties in this case reached a \$5.1 million settlement.

Consumer Protection

In re: Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation, MDL No. 1967 (W.D. Mo). Keller Rohrback filed two class action lawsuits on behalf of purchasers of plastic baby bottles and “sippy” cups which contained the chemical bisphenol-A (“BPA”) from May, 2003, through the present. Both cases were transferred to Multidistrict Litigation in the Western District of Missouri. The Court appointed Keller Rohrback to the Plaintiffs Steering Committee. On November 9, 2009, the Court granted part and denied in part the various defendants motions to dismiss.

Brotherson, et al. v. The Professional Basketball Club, LLC, No. 07-01787 (W.D. Wash). On October 3, 2007, Keller Rohrback filed a class action on behalf of members of the Emerald Club who renewed their season ticket packages for the 2007 – 2008 season. The case was filed in King County Superior Court and was removed to the United States District Court for the Western District of Washington. By order dated July 1, 2009 a class was certified. The plaintiffs filed their motion for preliminary approval of Settlement with the Court on December 21, 2009 that remains pending.

Dwyer, et ano. v. Kislak Mortg. Corp., No. 97-2-10584-6 (King County Super. Ct.). Keller Rohrback represented a class of borrowers who were charged unsecured fees as part of the payoff of their real estate loans. The original suit was dismissed on summary judgment, but the Washington State Court of Appeals reversed and remanded. A settlement was achieved and approved by the King County Superior Court. Subsequently, the firm brought several additional actions based on the same practices resulting in well over \$5.5 million in class action recoveries between 2003 – 2009.

“Fax Blasting Litigation”, Keller Rohrback brought seventeen class actions concerning the sending of unsolicited facsimiles in violation of the Washington Telephone Consumer Protection Act resulting in the issuance of eleven permanent



injunctions and the recovery of over \$12 million in settlements and over \$778 million in judgments.

Griffith v. Centex Real Estate Corp., No. 40541-1-I (King County Super. Ct.). Keller Rohrbach represented families who purchased homes from builder-vendor Centex Real Estate in King County Superior Court. Centex improperly finished the exterior of the homes, causing the paint to fail prematurely. The original suit was dismissed on summary judgment, but the Washington State Court of Appeals reversed and remanded. The class achieved a settlement of \$395,000.

Hansen, et al. v. Ticket Track, Inc., et al., No. 02-01032 (W.D. Wash.). Plaintiffs alleged that Spokane-based Ticket Track, Inc. violated the Washington State Consumer Protection Act and other laws by collecting and attempting to collect violation fees in addition to parking lot fees owed. The Court granted class certification. The Court also granted partial summary judgment in favor of the class. Ticket Track was permanently enjoined from engaging in this illegal activity, and the Legal Aid for Washington Fund (LAW Fund) received almost \$228,000 under the *cy pres* doctrine, the largest donation in the organization's history.

Rosted, et al. v. First USA Bank, No. 97-01485 (W.D. Wash.). This class action was filed on behalf of owners of credit cards issued by First USA Bank who signed up for "introductory rate" credit cards that were subject to false and deceptive "repricing." A settlement in this class action resulted in an automatic depricing benefit of over \$50 million plus over \$36 million in benefits from other settlement-related offers.

Scannell, et al. v. Verizon Directories Corp. No. 06-2-07169-7 (King County Super. Ct.) The class action settlement provided for the payment of \$500 to each claimant with a cap of \$2 million. Defendants allegedly made 41,760 identical solicitation calls, using an Automatic Dialing and Announcement Device ("ADAD"), to Washington businesses in violation of state law. Approximately \$1,249,000 was distributed to class members and class counsel through a "claims-made" process.

Product Liability

In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation, MDL No. 10-01203 (E.D. Pa.). These cases involved numerous plaintiffs in Washington and other states who were seeking medical monitoring and/or personal injury compensation in relation to their ingestion of the prescription diet drugs Pondimin and Phentermine (i.e. Fen-Phen) or Redux. Keller Rohrbach served as class counsel for a certified medical monitoring class of Washington patients who ingested these diet drugs. In addition, the federal court judge in Philadelphia who supervised the national



settlement and litigation appointed Lynn Lincoln Sarko, Keller Rohrback's managing partner, to serve as a member of the MDL 1203 Plaintiffs' State Liaison Counsel Committee. Keller Rohrback has represented numerous plaintiffs in pursuing individual personal injury claims through the American Home Products' Nationwide Class Action Diet Drug Settlement or through individual lawsuits brought in state or federal courts.

Jack in the Box, Keller Rohrback served as Co-Lead Counsel in the class action litigation brought in Washington Superior Court. Both class action and direct action cases were filed on behalf of persons claiming injury as a result of the consumption of food products sold by Jack in the Box Restaurants which contained the E. coli 0157:H7 bacteria in five western states. Damage claims included individuals with hemolytic uremic syndrome. The class successfully negotiated a medical monitoring and treatment trust for the benefit of the class. In addition to the benefits of this trust, total settlements achieved through this litigation amounted to over \$13 million.

Louisiana Pacific, This case involved a series of direct action suits brought in Washington federal court and in Oregon State court by the owners of large commercial buildings against Louisiana Pacific Corporation, alleging that LP exterior siding was defective and breached applicable warranties. Keller Rohrback obtained settlements for our clients totaling more than \$25 million.

In re Mattel, Inc., Toy Lead Paint Products Liability Litigation, No. 07-01897 (C.D. Cal.). Keller Rohrback serves as Chair of the Executive Committee in a nationwide class action lawsuit pending in Federal District Court in the Central District of California against Mattel and Fisher-Price on behalf of purchasers of toys recalled because they were manufactured using lead paint and/or dangerous magnets. On November 24, 2008, Judge Dale S. Fischer granted in part and denied in part defendants' motions to dismiss. On October 23, 2009, the Court granted preliminary approval of a settlement estimated to be worth approximately \$50 million. The preliminary settlement provides for the implementation of a safe toy program by Mattel, compensation for lead testing, and a contribution by Mattel to the National Association of Children's Hospitals and Related Institutions. The hearing for final approval will be held on March 15, 2010.

Odwalla, Based in large part on the firm's experience with the Jack in the Box E. coli outbreak, Keller Rohrback was retained by several victims of the Odwalla E. coli outbreak in the fall of 1996. Settlement for our clients totaled \$390,000.

Salloway v. Malt-O-Meal Co., 27-98-008931 (Minn. Dist. Ct. 4th Cir.). This nationwide product liability class action arose out of a salmonella outbreak in the Malt-O-Meal plant in Northfield, Minnesota. It was brought on behalf of all people who became ill after eating cereal manufactured by Malt-O-Meal (under names such as "Toasty-Os").



A class settlement was granted final approval in this case filed in Hennepin County Court of Minnesota.

Other Cases

Erickson v. Bartell Drug Co., No. 00-1213 (W.D. Wash.). Keller Rohrbach was proud to represent the plaintiff class in the landmark opinion issued in this case. Judge Robert Lasnik held that when an otherwise extensive health plan covers almost all drugs and devices used by men, the exclusion of prescription contraceptives creates a “gaping hole in the coverage offered to female employees, leaving a fundamental and immediate healthcare need uncovered. . . . Title VII requires employers to recognize the differences between the sexes and provide equally comprehensive coverage, even if that means providing additional benefits to cover women-only expenses.” *Erickson v. Bartell Drug Co.*, 141 F.Supp.2d 1266, 1277 (W.D. Wash. 2001). This monumental decision has paved the way for implementation of non-discriminatory prescription coverage in employee benefit plans nationwide.

In re the Exxon Valdez, No. 89-00095 (D. Alaska). Keller Rohrbach represented fishermen, Alaska natives, municipalities, and other injured plaintiffs in this mass tort lawsuit arising out of the March 24, 1989, oil spill in Prince William Sound, Alaska. After a three-month jury trial, plaintiffs obtained a judgment of \$5 billion in punitive damages—at the time the largest punitive damages verdict in U.S. history. Keller Rohrbach played a leadership role during discovery and at trial, and was chosen to serve as administrator of both the Alyeska and Exxon Qualified Settlement Funds. The amount of punitive damages was subsequently reduced by the United States Supreme Court to \$507.5 million, upon which interest was added. Keller Rohrbach is currently distributing the punitive damages and interest via the Exxon Qualified Settlement Fund.

Halverson v. Skagit County, No. 66171-5 (Wash. Sp. Ct.). In a unanimous ruling, the Washington State Supreme Court held that over 100 residents of the Nookachamps area of Skagit County failed to plead a viable theory for imposing liability on the county for levee-induced flooding because the county did not own the levees or property on which they were built. Skagit County was represented by Keller Rohrbach in this appeal.



Lynn Lincoln Sarko

Lynn Lincoln Sarko has been the managing partner of Keller Rohrbach since 1991, where he leads the firm's nationally recognized Complex Litigation Group. An accomplished trial lawyer, he regularly serves as lead counsel in multi-party and class action lawsuits involving ERISA, employee benefits, antitrust, and securities fraud claims. Mr. Sarko first came to Seattle for a federal clerkship and returned after serving as an Assistant U.S. Attorney for the District of Columbia. He has been appointed lead or co-lead counsel in some of the most important ERISA company stock cases, including *Enron*, *WorldCom*, and *Global Crossing*. Additionally, Mr. Sarko serves or has served as lead or co-lead counsel in numerous other ERISA 401(k) plan, ESOP, and cash balance cases, such as *American International Group, Inc.*, *Countrywide Financial Corp.*, *Dell Inc.*, *Delphi Corp.*, *Ford Motor Co.*, *Fremont General Corp.*, *Goodyear Tire & Rubber Co.*, *ING*, *JPMorgan Chase & Co.*, *Marsh & McLennan Cos., Inc.*, *Merck & Co., Inc.*, *Merrill Lynch & Co., Inc.*, *Pfizer, Inc.*, *Southern Co.*, *State Street Bank & Trust Co.*, *Wal-Mart Stores, Inc.*, *Xerox Corp.*, *BellSouth*, *Dynegy, Inc.*, *HealthSouth*, *Household International*, *Lucent Technologies, Inc.*, *Mirant Corp.*, *Polaroid*, *Williams Cos., Inc.*, and *Visteon*.



Mr. Sarko's ERISA practice focuses on prosecuting matters raising sophisticated ESOP and 401(k) plan issues, including ERISA preemption, fiduciary breaches, imprudent investment of plan assets, blackout period and mapping violations, plan asset diversification, prohibited transactions, directed trustee duties, and ERISA § 404 (c) defenses. He regularly appears in federal courts across the country, maintaining an active national ERISA litigation practice.

In addition to his ERISA work, Mr. Sarko has prosecuted a variety of class action lawsuits involving high profile matters including the Exxon Valdez oil spill, Microsoft civil antitrust case, and Fen-Phen/Redux diet drug litigation, as well as notable civil rights cases such as *Erickson v. Bartell Drug Co.*, establishing a woman's right to prescription contraceptive health coverage. Additionally, Mr. Sarko has litigated numerous complex cases involving financial and accounting fraud, which have included some of the nation's largest accounting and investment firms.

Mr. Sarko received his undergraduate, business, and law degrees from the University of Wisconsin, where he served as the editor-in-chief of the law review and was selected by the faculty as the outstanding graduate of his law school class. Mr. Sarko is a featured speaker at many continuing education seminars and conferences nationwide.

All other bios listed alphabetically

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Laurie Ashton

Laurie Ashton is a member of Keller Rohrbach P.L.C., based in Phoenix, Arizona. She currently serves in a leadership position in the *In Re Xerox Corp. ERISA Litigation, Cokenour v. Household International*, and the *In re Williams Cos. ERISA Litigation*. Her practice emphasizes bankruptcy, commercial, ERISA, and environmental litigation. Ms. Ashton has been very active in the Arizona State Bar, having served on the Ethics Committee for six years, and frequently lectures on bankruptcy issues and other matters. Additionally, Ms. Ashton has taught semester courses in Advanced Chapter 11 Bankruptcy and Lawyering Theory and Practice at the ASU College of Law, and for several years running, has been a guest lecturer on Chapter 11 at Harvard Law School. She is the co-author of *Arizona Legal Forms: Limited Liability Companies and Partnerships*, 1996-2002. Following law school Ms. Ashton served as law clerk for the Honorable Charles G. Case, U.S. Bankruptcy Court, for the District of Arizona for two years. Ms. Ashton graduated from Arizona State University College of Law where she has twice returned as an Adjunct Professor to teach semester courses in Lawyering Theory and Practice and Advanced Chapter 11. Ms. Ashton is admitted to practice in Arizona and Colorado.





James A. Bloom

James Bloom is based in Keller Rohrbach's Phoenix office. He practices in the firm's nationally recognized complex litigation group, focusing on ERISA litigation, and has worked on many landmark ERISA cases including *In re State Street Bank & Trust Co. ERISA Litigation* and *Johnson v. Couturier*. James graduated *cum laude* from Washington University School of Law in St. Louis, where he was an executive editor of the Washington University Law Review. He earned a B.A. in History and Philosophy from Tulane University. James also worked in the Civil Justice Clinic at Washington University, helping under-served individuals obtain needed legal services.





Gretchen Freeman Cappio

As a member of Keller Rohrbach's Complex Litigation Group, Gretchen Cappio enjoys a diverse practice in the areas of consumer protection, ERISA, mutual funds, and employment litigation. She represents plaintiffs in several cutting-edge complex cases, including *In re Mattel, Inc.*, 588 F. Supp. 2d 1111 (C.D. Cal. 2008) (allowing the majority of consumers' claims related to lead-contaminated and hazardous magnetic toys to proceed), and *Braden v. Wal-Mart Stores, Inc.*, 588 F.3d 585 (8th Cir. 2009) (upholding plaintiff's claims alleging that excessive fees associated with the Plan's ten mutual funds resulted in losses of tens of millions of dollars in retirement savings, and that these funds—all retail off-the-shelf funds rather than lower-fee institutional class funds, most of which charged 12b-1 fees, and all of which paid revenue sharing to the Plan's trustee—were selected as a result of a flawed process). Ms. Cappio serves on the Plaintiffs' Steering Committee in *In re: Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation*, MDL No. 1967 (W.D. Mo.), consumer litigation in which plaintiffs assert claims for breach of the implied warranty of merchantability, fraudulent and negligent omissions of material fact, and unjust enrichment against certain plastic bottle manufacturers. Ms. Cappio also represented plaintiffs in *Erickson v. Bartell Drug Co.*, 141 F. Supp. 2d 1266 (W.D. Wash. 2001), in which the Honorable Robert S. Lasnik ruled that an employer violated Title VII of the Civil Rights Act when its coverage failed to cover prescription contraceptives on an equal basis as to other prescription drugs.



Ms. Cappio graduated from the University of Washington School of Law where she served as the Executive Comments Editor of *The Pacific Rim Law & Policy Journal*. She earned her B.A. degree *magna cum laude* from Dartmouth College, where she graduated Phi Beta Kappa and with honors. Ms. Cappio has been named a "Rising Star" three times by *Washington Law and Politics* in its annual review of the state's legal professionals.



T. David Copley

David Copley enjoys the art of advocacy. His career has encompassed product liability defense work, civil rights litigation, real property disputes, employment law litigation and counseling, mass torts, antitrust, breach of fiduciary duty and ERISA, consumer protection, the preparation and trial of several class action cases, and numerous appeals including, most recently, *In re Syncor ERISA Litigation*. Mr. Copley graduated from Northwestern University School of Law, where he served as an editor of the *Law Review*. He earned his B.A. at the University of Iowa, with Distinction and Honors in Political Science and English. In 1985, Mr. Copley was honored as Trial Lawyer of the Year for his work on behalf of injured fishermen and other class members in *In the Exxon Valdez* oil spill Litigation. He is admitted to practice in the states of Washington and Arizona, in the United States District Courts of Western Washington, Eastern Washington, Arizona, the Northern District of California, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.





Juli E. Farris

Juli Farris is a member of Keller Rohrbach L.L.P.'s Complex Litigation Group. Her practice focuses on securities fraud, breach of fiduciary duty, and antitrust litigation in state and federal courts. She has made significant contributions in cases such as *In re Catfish Antitrust, et al. v. Magnolia Processing, et al.*; *In re IKON Office Solutions, Inc. Securities Litigation*; *In re Anicom, Inc. Securities Litigation*; *Lasky v. Brown, et al. (United Companies securities litigation)*; and *In re Worldcom, Inc. ERISA Litigation*. Prior to joining Keller Rohrbach in 1991, Ms. Farris clerked for Judge E. Grady Jolly of the Fifth Circuit of the United States Court of Appeals and practiced law at the Washington, D.C. office of Sidley & Austin (now Sidley, Austin, Brown & Wood). She earned her B.A. in English and J.D. from Stanford University, where she was a Note Editor of the *Stanford Law Review*. Ms. Farris is admitted to practice in the states of Washington and California and the District of Columbia.





Raymond J. Farrow

Ray Farrow's practice focuses on complex litigation with an emphasis on antitrust and consumer protection. Mr. Farrow has played a leading role litigating antitrust claims of anticompetitive conduct involving Microsoft, Thermus Aquaticus DNA Polymerase ("Taq"), NASCAR, Vitamins, Intel microprocessors, carbon black, and nurse compensation in various cities across the country. Mr. Farrow has also litigated claims for improperly withheld overtime in the package delivery and banking industries and state security claims arising from an alleged Ponzi scheme. Mr. Farrow graduated with high honors from the University of Washington School of Law, where he was articles editor of the *Washington Law Review*. Prior to law school, he was a member of the Economics faculty at Seattle University, the University of Washington, and Queen's University in Ontario, Canada. Mr. Farrow holds graduate degrees in economics from the University of Essex (U.K.) and Princeton University and has served for a number of years on the Executive Committee of the Consumer Protection, Antitrust & Unfair Business Practices Section of the Washington State Bar Association. Mr. Farrow is licensed to practice in Washington State.





Eric J. Fierro

Eric Fierro is based in Keller Rohrback's Phoenix office and practices in the firm's nationally recognized Complex Litigation group. He has broad experience in electronic discovery and litigation support matters. While attending law school in the evening, Mr. Fierro worked full-time for the U.S. Attorney's Office for the District of Massachusetts. There he provided technical support for all criminal and civil units. In particular, Mr. Fierro supported the electronic discovery and trial consulting needs for the healthcare fraud, securities fraud, and other white collar crime units. He also worked as a part-time summer law clerk for the computer crime and intellectual property unit at the U.S. Attorney's office. Before joining Keller Rohrback, Mr. Fierro was a managing consultant with Huron Consulting Group, providing consultative services for complex electronic discovery and document review matters.





Laura R. Gerber

Laura R. Gerber joined Keller Rohrback in 2005 and practices in the firm's nationally recognized Complex Litigation group where she handles a variety of cases in federal courts across the United States. Laura's practice focuses on class actions and derivative cases, and ranges from ERISA breach of fiduciary duty cases to mutual fund excessive fee cases to consumer class actions concerning the safety of children's products. Laura graduated from the University of Washington School of Law in 2003. While in law school, she concurrently received an M.P.A. degree from the Daniel J. Evans School of Public Affairs at the University of Washington and was a member of the Moot Court Honor Board.





Gary Gotto

Gary Gotto is a member of Keller Rohrback P.L.C., based in Phoenix, Arizona. Mr. Gotto has held leadership positions in the Enron, Xerox Corp., Merrill Lynch, Delphi, CMS Energy Corp., Dynegy, Global Crossing, WorldCom, and IKON Office Solutions, Inc. ERISA litigations. In addition to his ERISA 401 (k) class action expertise, Mr. Gotto has expertise in complex Chapter 11 bankruptcy litigation and issues, which has proven invaluable in cases in which defendants are also debtors in bankruptcy. He chaired the Arizona State Bar Subcommittee on Revising the Limited Partnership Act and co-authored *Arizona Legal Forms: Limited Liability Companies and Partnerships*. Mr. Gotto speaks and teaches regularly on a number of topics, including an annual real estate bankruptcy case study presented at Harvard Law School. He earned his J.D. from Arizona State University *summa cum laude*, where he was a member of the Order of the Coif and the Special Projects Editor of the *Arizona State Law Journal*. Mr. Gotto received his B.A. from the University of Pennsylvania *cum laude*. He is admitted to practice in the state of Arizona.





Gary D. Greenwald

Before joining Keller Rohrback's Phoenix office in 2006, Gary Greenwald practiced in Columbus, Ohio, where he was the senior litigation partner for the firms of Schottenstein, Zox, & Dunn and Shayne & Greenwald. He has a broad range of experience as a commercial litigator, having tried more than 200 cases in the federal and state courts across the U.S. Mr. Greenwald's trial experience includes securities litigation, ERISA breach of fiduciary duty claims, trademark litigation, trade secrecy claims, professional malpractice, and a wide range of contract and real estate disputes. He spent five years as an Adjunct Professor of Trial Law Practice at the Ohio State University College of Law and has been a frequent speaker on the subject of Employee Stock Ownership Plans. Mr. Greenwald received his B.A. from Miami University and his J.D. from Ohio State University College of Law.





Mark A. Griffin

Keller Rohrback's Complex Litigation antitrust team is led by Mark Griffin. Mr. Griffin earned his Bachelor of Science degree in Business Economics (*magna cum laude*) from Marquette University where he received the Economics Faculty Award. He attended Gonzaga University School of Law on a Thomas More Scholarship where he earned his law degree (*magna cum laude*). He served as a judicial law clerk in the U.S. District Court for the Western District of Washington in Seattle (Magistrate Judge Philip K. Sweigert). He joined Keller Rohrback in 1988 and has served on its Executive Committee since 2000. He is the firm's Pro Bono Coordinator. He also served as chair of the Consumer Protection, Antitrust & Unfair Business Practices Section of Washington State Bar Association and was an Executive Editor of the Third Edition and 2007 Supplement of the *Washington Antitrust and Consumer Protection Handbook*. He is admitted to practice in Washington State, United States District Courts for the Western and Eastern Districts of Washington, the Eastern District of Michigan, and the District of Columbia, United States Courts of Appeal for the Ninth and Fourth Circuits, as well as the United States Supreme Court.



Mr. Griffin has actively engaged in the prosecution of complex litigation for over two decades. He serves as lead counsel in several antitrust and other class action cases. He has successfully litigated class action cases in the following areas: Antitrust (*Specialty Steel Pipe*; *Airlines*; *Architectural Hinge*; *Bronze and Copper Flake*; *Carbon Dioxide*; *Carpet*; *Catfish*; *Chain Link Fence*; *Commercial Explosives*; *Commercial Tissue*; *Drill Bits*; *Infant Formula*; *Linerboard*; *Microsoft*; *Monosodium Glutamate*; *NASCAR*; *Pipe and Tube*; *Soft Drink*; *Steel Pail*; *Steel Drum*; *Wholesale Vitamin*; *Taq*; *Carbon Black*); Consumer Protection (*Griffith v. Centex*, 93 Wn.App. 202 (1998); *Dwyer v. Kislak Mortgage*, 103 Wn.App. 542 (2000); *Hansen v. Ticket Track*, 213 F.R.D. 412 (W.D.Wa. 2003); *Orser v. Select Portfolio*, 2005 WL 3478126 (W.D.Wa. 2005); *Gerber v. First Horizon*, 2006 WL 581082 (W.D.Wa. 2006); *Kavu v. Omnipak*, 246 F.R.D. 642 (W.D.Wa. 2007)); Securities (*Getty v. Harmon*, 53 F.Supp.2d (W.D.Wa. 1999); *Anicom*; *Herrington v. Hawthorne*, 111 Wn.App. 824 (2002); *IKON*; *McGrew v. Harris Bank and U.S. Bank*; *Sons of Norway*; *SunAmerica*; *West Point-Pepperell*); Mass Tort (*Jack-in-the-Box Class Action*); ERISA (*Sears Retiree Group Life Insurance*), Employment (*Kinder v. Voicelink*; *Woods v. Bank of America*); and Products Liability (*Pelletz v. Weyerhaeuser*, 255 F.R.D. 537 (W.D.Wa. 2009)). He also helped successfully defend Skagit County in class actions in federal and state court. *Halverson v. Skagit County*, 42 F.3d 1257 (9th Cir. 1994), 139 Wn.2d 1 (1997).



Amy N. L. Hanson

Amy N. L. Hanson's practice is focused on class action and other complex litigation, including products liability, breach of fiduciary duty, consumer protection, antitrust, and employment protection cases. Ms. Hanson has successfully represented plaintiff classes and individuals on a variety of issues in both state and federal courts, including *In re CMS Energy ERISA Litigation* and *Shaffer v. McFadden*. Ms. Hanson earned her J.D. from the University of Wisconsin, where she began litigating her first class action antitrust case as a 2L with Keller Rohrback through the law school's Consumer Litigation Clinic. She earned her B.A. degree *summa cum laude* in Economics and Political Science from the University of Minnesota. She is licensed to practice in Washington and Wisconsin and in the United States District Court of Western Washington, Eastern Washington, Eastern Michigan, and the Court of Appeals for the Ninth Circuit.



*Ron Kilgard*

Mr. Kilgard is a Phoenix native and member of Keller Rohrback, P.L.C., based in Phoenix, Arizona. He received an undergraduate degree from Harvard College and a master's degree from Harvard Divinity School, concentrating in Biblical Hebrew and other ancient Near Eastern languages, before returning home to Arizona for law school. Mr. Kilgard graduated from Arizona State University College of Law as the Editor-In-Chief of the law review and was selected by faculty as the outstanding graduate of his class. Upon earning his law degree, Mr. Kilgard clerked for the Hon. Mary Schroeder on the Ninth Circuit Court of Appeals before entering private practice. In over thirty years of practice, Mr. Kilgard has litigated a broad array of commercial and personal injury/wrongful death cases for both plaintiffs and defendants. In the last decade he has been extensively involved in litigating ERISA breach of fiduciary duty class action cases, especially those involving issues of company stock, including the Enron, WorldCom, and Global Crossings ERISA class actions.





Sarah H. Kimberly

Sarah Kimberly's practice focuses on complex ERISA breach of fiduciary duty litigation. She has successfully litigated numerous class actions, including *Alvidres v. Countrywide Financial Corp.* Ms. Kimberly is also actively involved in *In re IndyMac ERISA Litigation*, *In re Fremont General Corp. Litigation*, and *In re Marsh ERISA Litigation*. Ms. Kimberly graduated from The George Washington University Law School, where she worked as a legal fellow in a community legal clinic and as a law clerk in the National Security Section of the United States Attorney's Office for the District of Columbia. Prior to law school, Ms. Kimberly worked as an editor at a major publishing company in Boston. She earned her B.A. in Art History from Dartmouth College, and is admitted to practice in Washington State and the Western District of Washington. Ms. Kimberly is also a member of the Washington State, King County, and American Bar Associations, as well as Washington Women Lawyers.



*David J. Ko*

David Ko practices in Keller Rohrback's nationally recognized complex litigation group, where he represents plaintiffs primarily in the areas of consumer protection and ERISA class action litigation. Prior to joining the firm, David completed a two year clerkship for the Honorable Ricardo S. Martinez, United States District Judge in the Western District of Washington. After earning his J.D. at Seattle University School of Law, David obtained an LL.M. in Taxation at the University of Washington, where he represented low-income individuals against the IRS in the Federal Tax Clinic. During law school, he served as a Rule 9 intern for a local public defender's office, and also interned at a civil litigation firm. David received the top grade in his class in Constitutional Law and Legal Writing II, and was selected to the National Order of the Baristers for excellence in oral advocacy.





Cari Campen Laufenberg

Cari Campen Laufenberg's practice focuses on complex litigation with an emphasis on ERISA litigation. She has made significant contributions in cases such as *In re Marsh ERISA Litigation*, *In re Williams Cos. ERISA Litigation*, *In re HealthSouth Corp. ERISA Litigation*, and *In re The Goodyear Tire & Rubber Co. ERISA Litigation*. Ms. Laufenberg earned a J.D. and Masters of Public Administration from the University of Washington. During law school, she served as a judicial extern for U.S. District Court Judge Barbara Jacobs Rothstein. Ms. Laufenberg received her B.A. from the University of California, San Diego in Art History and Criticism. She is admitted to the bar of the State of Washington and the U.S. District Courts for the Western and Eastern Districts of Washington. She is a member of the King County Bar Association, Federal Bar Association, American Bar Association, American Association for Justice, and Washington Women Lawyers. Ms. Laufenberg was recognized in 2008 and 2009 as a "Rising Star" by *Washington Law and Politics* in its annual review of the State's legal professionals.





Elizabeth A. Leland

Beth Leland's practice focuses on ERISA and securities fraud litigation. She is actively involved in, among other cases, the *In re Ford Motor Company ERISA Litigation*, *In re Merrill Lynch & Co., Inc. ERISA Litigation*, *In re Pfizer ERISA Litigation*, and the *In re Scientific-Atlanta, Inc. Securities Litigation*. Ms. Leland has made significant contributions in ERISA and securities cases such as the *In re Apple, Inc. Derivative Litigation*, *In re Anicom, Inc. Securities Litigation*, *In re Dynegy, Inc. ERISA Litigation*, *In re IKON Office Solutions, Inc. Securities Litigation*, *In re Visteon Corporation ERISA Litigation* and the *In re Xerox Corporation ERISA Litigation*. She is an active member of the King County, Washington State, and American Bar Associations, including the American Bar Association's Section of Labor & Employment Law. She earned her B.A. in Business Administration with concentrations in Finance and Business Economics from the University of Washington and graduated cum laude from the University of Puget Sound School of Law. Ms. Leland is admitted to practice in Washington State and Federal Courts, as well as the Ninth and other Circuits across the country.





Tana Lin

Tana Lin's practice includes representing employees in ERISA breach of fiduciary duty class actions, mutual fund shareholders in suits alleging breaches of fiduciary duty by investment advisors in violation of the Investment Company Act, and nurses in cases alleging that hospitals depressed their wages in violation of the Sherman Act. Ms. Lin began her career as a trial attorney with the Public Defender Service for the District of Columbia. She then joined and became a senior trial attorney with the Employment Litigation Section of the Civil Rights Division of the United States Department of Justice and, subsequently, the Equal Employment Opportunity Commission. She has prosecuted employment discrimination cases against governmental entities and private corporations such as Wal-Mart. Ms. Lin also developed and implemented impact projects to address systemic problems affecting the poor as the litigation coordinator for the Michigan Poverty Law Program. She received her A.B. with Distinction from Cornell University and her J.D. from New York University School of Law, where she was a Root-Tilden-Snow Scholar.





Derek W. Loeser

Derek Loeser is a partner in the firm's Complex Litigation Group. His practice focuses on ERISA class action and investment mismanagement cases and he serves as one of the lead counsel in many of the firm's nationally prominent breach of fiduciary duty class actions. He has obtained numerous favorable published decisions and substantial recoveries on behalf of employees, retirees, and retirement plans. In addition to his work on cases that have been resolved, including Enron, WorldCom, Countrywide, and Polaroid, Mr. Loeser currently serves as Lead or Co-Lead Counsel in several large-scale ERISA breach of fiduciary duty cases, including cases against *AIG*, *Wachovia*, *Washington Mutual*, *Wal-Mart*, *Ford*, and *State Street*. The cases involve allegations of imprudent investment in company stock in 401(k) and ESOP plans, as well as other types of investment mismanagement, excessive fees, and conflicts of interest.



Mr. Loeser is a member of the American Bar Association's Section of Labor & Employment Law and the Employee Benefits Committee as a Plaintiff attorney, and is a frequent speaker at national ERISA conferences. Before joining Keller Rohrbach in 2002, he clerked for the Hon. Michael R. Hogan, United States District Court, District of Oregon, and was a trial attorney in the Employment Litigation Section of the Civil Rights Division of the United States Department of Justice in Washington, D.C. Mr. Loeser obtained his B.A. from Middlebury College, where he graduated summa cum laude, with highest departmental honors, and as a member of Phi Beta Kappa. He graduated with honors from the University of Washington School of Law. Mr. Loeser was named in 2007, 2008, and 2009 as a "Super Lawyer" among civil litigators and recognized in 2005 and 2006 as a "Rising Star" by *Washington Law and Politics* magazine in its annual review of the State's legal profession.

He is admitted to practice in Washington State, United States District Courts for the Western and Eastern Districts of Washington, the Eastern District of Michigan, Northern District of Illinois, United States Courts of Appeals for the Second, Sixth, Eighth, Ninth and Eleventh Circuits, and on a pro hac vice basis in federal district courts throughout the country.



Gretchen S. Obrist

Gretchen Obrist joined Keller Rohrback's complex litigation group in 2007. She has a broad federal court practice. Ms. Obrist has litigated ERISA fiduciary breach, cash balance pension plan, and excessive fee cases, as well as antitrust, RICO, consumer protection, and torts claims. While Ms. Obrist primarily represents plaintiffs, she has also represented defendants and third parties in complex cases. She has made significant contributions in *In Re Bear Stearns Cos. Inc. ERISA Litigation*, *Braden v. Wal-Mart Stores, Inc.*, and the Washington Mutual and J.P. Morgan pension plan litigations. Prior to joining Keller Rohrback, Ms. Obrist worked for two years as a law clerk to the Hon. John C. Coughenour, U.S. District Judge for the Western District of Washington. Ms. Obrist earned her J.D. from the University of Nebraska, where she was Editor-in-Chief of the *Nebraska Law Review*. During law school, Ms. Obrist worked at a public defender's office and the Nebraska Domestic Violence Sexual Assault Coalition. She also has worked on legal issues generated by welfare reform. Ms. Obrist was named a "Rising Star" by *Washington Law and Politics* in 2010. She is admitted to practice in Washington State.





David S. Preminger

David Preminger is a partner in the firm's Complex Litigation Group. His practice focuses on ERISA class action cases as well as individual benefit claims. He has been the lead counsel or co-counsel on numerous ERISA class action, breach of fiduciary duty cases with multi-million dollar settlements. While perhaps divulging too much, Mr. Preminger has been litigating ERISA cases on behalf of employees and retirees since the Act's passage in 1974. He also has extensive experience litigating anti-trust, real estate and general commercial and corporate matters. Mr. Preminger speaks frequently on issues concerning employee benefits litigation and is the co-chair of the Fiduciary Responsibility Subcommittee of the Labor and Employment Section of the American Bar Association and was previously the co-chair of the Subcommittee on ERISA Preemption and the Subcommittee on ERISA Reporting and Disclosure. Mr. Preminger has also served on the Employee Benefits Committee of the Association of the Bar of the City of New York and on that Association Committee on Legal Problems of the Elderly of which he was the chair of the Subcommittee on Pension and Welfare Benefit Plans. Mr. Preminger is also a senior editor of *Employee Benefits Law* (BNA), a widely used treatise on the subject, and has written law review articles on topics concerning ERISA as well. Mr. Preminger is also a charter member of the American College of Employee Benefits Counsel. Criteria for membership include at least 20 years of employee benefit experience including significant writing, lecturing and public service and recognition of the member by his or her peers for expertise in the field and intellectual excellence.



Prior to joining Keller Rohrbach, Mr. Preminger was a partner at Rosen Preminger & Bloom LLP where his practice concentrated on ERISA litigation. Mr. Preminger was previously a Supervisory Trial Attorney for the Equal Employment Opportunity Commission, a Senior Attorney with Legal Services for the Elderly Poor and a Reginald Heber Smith Fellow with Brooklyn Legal Services.

Education and Admissions

Mr. Preminger received his B.A. degree in mathematics from Rutgers University in New Brunswick, NJ, and his law degree at New York University School of Law where he was a member of the *Journal of International Law & Politics*. He is admitted to the bar of the State of New York State and to the United States Supreme Court, the United States Courts of Appeal for the Second, Seventh, Ninth and District of Columbia Circuits, and the United States District Courts for the Southern, Eastern, Western and Northern Districts of New York.



Erin M. Riley

Erin Riley's practice focuses on ERISA breach of fiduciary duty litigation. She has successfully litigated numerous class actions, including *In re Merrill Lynch & Co., Inc. ERISA Litigation*. Ms. Riley is also actively involved in *In re Washington Mutual, Inc., et al. ERISA Litigation*, *In re IndyMac ERISA Litigation*, and *In re Wachovia Corp. ERISA Litigation*. She graduated cum laude from the University of Wisconsin School of Law and was a managing editor of the *Wisconsin Law Review*. She received her B.A. in French and History from Gonzaga University, where she graduated cum laude. Ms. Riley is licensed to practice in both Washington and Wisconsin and is a member of the American Bar Association's Section of Labor & Employment Law and the Employee Benefits Committee as a plaintiff attorney. Ms. Riley was recognized in 2009 as a "Rising Star" by *Washington Law and Politics* in its annual review of the State's legal professionals.





Karin B. Swope

Karin Swope practices in the firm's nationally recognized complex litigation group. Karin's practice focuses on ERISA and consumer class actions. Prior to joining the firm, Karin litigated commercial cases, primarily in the areas of intellectual property, and business disputes. She also has significant experience in responding to government enforcement activities, including white collar criminal prosecutions, federal civil enforcement actions, and government investigations, and has counseled clients on internal corporate investigations.



Karin is an Associate Editor of the *American Bar Association Tort, Trial, and Insurance Practice Law Journal*. She is also an adjunct professor at Seattle University School of Law where she teaches in the Art Law Clinic. She is a frequent speaker for Washington State Bar Association CLE programs.

Karin clerked for the Hon. John C. Coughenour, United States District Court, District of Western Washington from 1993 to 1995, and for the Hon. Robert E. Cowen, United States Court of Appeals for the Third Circuit from 1995 to 1996. She graduated Phi Beta Kappa with a B.A. in English and Political Science from Amherst College in 1987 and earned her J.D. from Columbia University School of Law in 1993, where she was Executive Articles Editor for the *Columbia Human Rights Law Review*, and a Harlan Fiske Stone Scholar and Paul Bernstein Award recipient. She has been recognized as a "Rising Star" by *Washington Law and Politics Magazine*.



Havila Unrein

Havila Unrein practices in Keller Rohrbach's nationally recognized complex litigation group. Havila received a concurrent J.D./LL.M. (Tax), with honors, from the University of Washington School of Law in 2008. During law school, Havila provided tax and business advice to low-income entrepreneurs and high-tech start-ups as a student in the Entrepreneurial Law Clinic. She also served as an extern to the Hon. Stephanie Joannides of the Anchorage Superior Court. Prior to law school, Havila worked and studied abroad in Russia, Azerbaijan, and the Czech Republic. She received her B.A. in Russian Area Studies from Dartmouth College, where she graduated *magna cum laude*.



*Margaret E. Wetherald*

Margie Wetherald is a partner of Keller Rohrback and serves on the firm's executive committee. Throughout her practice, Ms. Wetherald has handled complex litigation in multiple state and federal jurisdictions with a concentration on commercial insurance coverage and bad faith, ERISA breach of fiduciary duty, and class action litigation. Ms. Wetherald has also handled mass tort litigation involving transmission of AIDS to hemophiliacs through blood products, exposure to contaminated groundwater and hepatitis. She graduated from Cornell Law School. Ms. Wetherald taught at the Columbus School of Law at Catholic University in Washington, D.C. from 1983 to 1985. She chaired the Northwest Environmental Claims Association at various times over a ten-year period and has been a frequent author and speaker on insurance coverage issues. She is admitted to practice in the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit, the United States District Courts for Eastern and Western Washington and in the State Courts in Washington and Oregon.





Amy Williams-Derry

Since joining Keller Rohrbach's Complex Litigation Group in 2005, Amy Williams-Derry has spearheaded numerous class action lawsuits for the firm, specializing in ERISA litigation on behalf of retirement plan beneficiaries and consumer protection cases. She has litigated at both the trial and appellate levels, and has successfully represented clients in mediation and arbitration before the National Labor Relations Board, the National Association of Securities Dealers, and the New York Stock Exchange. Prior to joining Keller Rohrbach, Ms. Williams-Derry litigated in both the private and non-profit sectors, with a diverse background in corporate and environmental matters. Ms. Williams-Derry earned her A.B. with honors from Brown University and her J.D. from the University of Virginia, where she served as Editor-in-Chief of the *Virginia Environmental Law Journal*. She is admitted to practice in the Western and Eastern Districts of Washington, the Eastern District of Michigan, and before the Second and Ninth Circuit Courts of Appeal. *Washington Law & Politics* magazine has named Ms. Williams-Derry a "Rising Star" among civil litigators every year from 2003 through 2009.



*Michael D. Woerner*

Mike Woerner joined Keller Rohrbach in 1985. His practice focuses on class action, mass tort, and cases involving excessive fees in mutual funds and retirement accounts. Mike was a member of the litigation team that received the Trial Lawyers for Public Justice's 1995 Trial Lawyer of the Year Award for his work in *In re the Exxon Valdez*. He represented hundreds of clients in multiple states injured by fen-phen diet drugs. More recently, he has brought cases against mutual fund investment advisers for charging excessive fees to mutual fund investors and was co-counsel on Jack Bogle's (founder of Vanguard) amicus brief in the United States Supreme Court in the case of *Jones v. Harris*.





Other Keller Rohrbach attorneys working with the Complex Litigation Group:

Ian S. Birk	Irene M. Hecht	David J. Russell
Stephen R. Boatwright*	Scott C. Henderson	Mark D. Samson*
Karen E. Boxx	Amy E. Hughes	William C. Smart
Jason P. Chukas	Benjamin J. Lantz	Thomas A. Sterken
Alicia Corbett*	Heidi Lantz	Laurence R. Weatherly
Rob J. Crichton	John Mellen	Benson D. Wong
Chloethiel W. DeWeese	Robert S. Over	Diana M. Zottman
Maureen M. Falecki	Amy Phillips	
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*Admitted to practice in the State of Arizona only.